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COMMITTEE ON THE RIGHTS OF THE CHILD

Sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee
on the Rights of the Child: Jordan

1. The Committee considered the initial report of Jordan (CRC/C/8/Add.4) at its 143rd, 144th and 145th meetings (CRC/C/SR.143-145), held on 13 and 14 April 1994, and adopted* the following concluding observations.

A. Introduction

2. The Committee notes with appreciation the submission of the initial report of Jordan. While the report provides comprehensive information on the legislation and programmes that give effect to the rights recognized in the Convention, it provides less information on factors and difficulties impeding the implementation of the Convention and the actual enjoyment by children of their rights. Although some written replies were provided to the questions raised by the Committee before the session, further information, including statistics, would have been particularly useful with regard to general measures of implementation, the application of the principle of non-discrimination and the enforcement of civil rights.

* At the 156th meeting, held on 22 April 1994.

3. The Committee notes with satisfaction that the additional information provided by the delegation made it possible to understand better the situation of children in Jordan. The Committee also expresses its appreciation of the delegation's constructive attitude towards non-governmental organizations. Furthermore, it appreciates the assurances given that the Committee's comments together with any unanswered questions would be transmitted to the Government for appropriate action.

B. Positive factors

4. The Committee notes with satisfaction the steps taken during the period under review to bring domestic law into line with the Convention, through the enactment of new laws or the adoption of specific programmes aimed at promoting and protecting the rights of the child. It welcomes the fact that a study is currently being undertaken to review national legislation and its compatibility with the provisions and principles of the Convention and that a draft Personal Status Act is also being studied with the same ambition.

5. The Committee particularly welcomes the notable progress achieved in recent years in such crucial issues as infant mortality and life expectancy, which has demonstrated the authorities' commitment to allocate substantial resources for social expenditures despite stringent economic difficulties.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee takes note of the economic and social difficulties which have been faced by Jordan in the aftermath of the Gulf crisis and which have, consequently, adversely affected the situation of children.

7. The presence of a very large number of refugees, particularly of Palestinian origin, constitutes a further difficulty impeding the implementation of the Convention.

8. The Committee also notes that the survival of certain traditions and customs sometimes constitutes an obstacle to the implementation of the Convention, particularly with regard to the equality of boys and girls.

D. Principal subjects of concern

9. The Committee is concerned that the broad nature of the reservations made to articles 14, 20 and 21 of the Convention by the State party may affect the implementation of the rights guaranteed in these articles and may raise questions about the compatibility of the reservations with the object and purpose of the Convention.

10. The Committee is concerned about the insufficient steps taken in the framework of legal reform to bring existing legislation into full conformity with the Convention, including in the light of the basic principles of the Convention, in order to overcome discrepancies or lacunae in national legislation, particularly in laws relating to marriage age and the administration of juvenile justice.

11. The Committee is concerned that, although the National Charter guarantees equality between the sexes in Jordan, discriminatory attitudes and prejudices are still vivid within the society, and that there are still disparities in practice, in particular with regard to inheritance rights, the right to leave the country and the acquisition of Jordanian nationality. In this last respect, the Committee is concerned that in the light of Jordanian legislation, cases of statelessness might arise. It is also concerned that, the national legislation with respect to the minimum age for marriage may not be fully compatible with the non-discrimination provisions of the Convention, as reflected in its article 2.

12. The Committee expresses concern at the uncertainty in the status of children, and the possible ensuing discrimination, resulting from the coexistence of different personal status regulations according to the child's religion. The Committee takes note of the undertaking in this context by the delegation to provide further information in regard to the rights of children of the Baha'i faith.

13. Another issue relates to groups of refugee children and the concern that they may not be given full protection in view of the fact that the Kingdom of Jordan has not yet ratified relevant international refugee treaties.

14. The Committee understands that there are under-age children at work in Jordan and that some children in remote areas are even kept from school for such reasons. The Kingdom of Jordan has not acceded to ILO Convention No. 138 and other conventions on the minimum age of employment relating to the protection of children and young persons at work.

15. The Committee is concerned about the lack of adequate measures taken by the authorities to evaluate and address the problem of domestic violence.

16. In the field of the administration of juvenile justice, the Committee is concerned about the application of article 92 of the Penal Code, in accordance with which, although no one under 18 years of age may be held criminally responsible, criminal proceedings may be brought against children over 7 years of age. It also deplores the fact that children taken into custody though not convicted of any criminal offence, may nevertheless be kept in detention in the same premises as convicted persons.

E. Suggestions and recommendations

17. The Committee expresses the hope that the Government will consider the possibility of reviewing its reservations to articles 14, 20 and 21 of the Convention, with a view to the withdrawal of these reservations.

18. Special efforts should be made to bring the existing legislation fully into line with the principles and provisions of the Convention, including in the context of the preparation of a new Personal Status Act.

19. The Committee suggests that the Government envisage the establishment of a national mechanism with the purpose of coordinating the implementation of the Convention and the monitoring thereof. Coordination between the various

governmental agencies and non-governmental organizations involved in the implementation of the Convention and the monitoring thereof should be strengthened.

20. Measures should be taken to develop mechanisms for the determination of appropriate indicators and for the collection of statistical data and other information on the status of children as bases for designing programmes to implement the Convention.

21. The Committee suggests that law enforcement officials, judges, other administration of justice officials and, more generally, members of professions concerned with the implementation of the Convention be provided with adequate training on the basic principles and norms contained in the Convention on the Rights of the Child.

22. Measures should be taken to prevent and eliminate discriminatory attitudes or prejudice and to ensure effective protection against discrimination, particularly with regard to the girl child and children born out of wedlock, as well as any differentiation resulting from the status of parents.

23. A study on the extent and nature of domestic violence is recommended. Appropriate follow-up measures should be envisaged, not least in the field of family education and social support.

24. In line with article 4 of the Jordanian Education Act and article 29 of the Convention, emphasis should be given in school education to the important values of peace, tolerance and respect of human rights. The active participation of children should be encouraged. Similarly, efforts should be undertaken to develop new channels, including membership of associations, through which children may make their views known and have them taken into account.

25. Steps should be taken to improve school attendance for children living in remote areas, to reduce the school drop-out rate and to raise the level of literacy, particularly among females. School curricula should be adjusted to make room for education about the Convention.

26. In order to ensure that all refugee children or children seeking refugee status enjoy their rights under the Convention, the Committee recommends that the Kingdom of Jordan consider the possibility of ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

27. The Committee recommends that the State party envisage undertaking a comprehensive reform of the system of juvenile justice and that the Convention and other international standards in this field, such as the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, be seen as a guide in this revision. Attention should also be paid to measures for rehabilitation and social reintegration, in line with article 39 of the Convention.

28. The mechanism already established to monitor the situation of working children should be strengthened in order to assess the implementation of the Convention and to narrow the gap between the law and practice. Furthermore, the Committee encourages the efforts currently under way to prepare for accession to ILO Convention No. 138 and other conventions on the minimum age of employment relating to the protection of children and young persons at work.

29. The Committee recommends that the report submitted by the State party, the summary records of its consideration and the concluding observations of the Committee be disseminated as widely as possible within the country, particularly to officials and professionals working with children, parliamentarians, non-governmental organizations and the media.